THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte JOHN A. HERROD

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Appeal No. 96-4029
Application 08/386,604[1]

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ON BRIEF

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Before HAIRSTON, JERRY SMITH and FLEMING, ***Administrative Patent Judges***.

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[1] Application for patent filed February 9, 1995. According to appellant, the application is a continuation of Application 07/901,459, filed June 19, 1992, abandoned.

FLEMING, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 9, all of the claims pending in the present application.

This invention relates to the field of graphic display with data processing systems. More particularly, this invention relates to graphic clipping. Graphic clipping is the process in which each window contains graphic objects and as the user varies the size of the window, the system determines what portion of the objects are inside the window and displays only that portion. On page 2 of the specification, Appellant discloses that there is a need for a way of dealing with overlapping windows which does not rely on first drawing and then overlaying the lower priority windows. Appellant discloses a method of displaying overlapping windows containing graphic objects defined by graphic orders comprising the steps of processing said graphic orders to generate modified

graphic orders defining those portions of said graphic objects not overlapped, and driving a graphic display device with said modified graphic orders to display said portion of said graphic objects not overlapped.

Independent claim 1 is reproduced as follows:

1. A method of displaying, on a display terminal, overlapping windows containing graphics objects defined by graphics orders comprising the steps of:

obtaining a first list of graphic orders for graphic objects in a first window of the overlapping windows and a second list of graphic orders for graphic objects in a second window of the overlapping windows, wherein the second window has a higher priority than the first window;

processing the first list to identify nonoverlapping graphic objects, wherein the nonoverlapping graphic objects are not within an overlapping portion of the first and second windows;

processing the second list of graphic orders and the nonoverlapping graphic objects to generate a list of modified graphic orders; and

driving the display terminal, with the list of modified graphics orders to display the graphic objects of the second window and the nonoverlapping graphic objects of the first window.

The Examiner relies on the following references:

Holden et al. (Holden)	4,698,779	Oct. 6, 1987
Anthias et al. (Anthias)	4,890,257	Dec. 26, 1989

Claims 1, 2, and 7 through 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Anthias. Claims 3 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Anthias in view of Holden.

Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

We will not sustain the rejection of claims 1, 2, and 7 through 9 under 35 U.S.C. § 102, nor will we sustain the rejection of claims 3 through 6 under 35 U.S.C. § 103.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. ***See In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Appellant argues on pages 5 and 6 of the brief that Anthias fails to teach the claimed modified graphic orders. In particular, Appellant argues that the claims recite, for the list of modified graphic orders, a process to identify the nonoverlapping portions of the lower priority window. Once this has been identified, the nonoverlapping portions of the first window are processed with graphic orders of the second window to create, in one step, the list of modified graphic orders without having to override any of the priority windows. Appellant argues that Anthias is concerned with overlapping windows without regard to the content of the windows and, therefore, does not disclose or teach the creation of modified graphic orders as recited in Appellant's claims.

The Examiner responds to Appellant's argument on pages 5 and 6 of the answer. The Examiner argues that Anthias discloses in column 3, lines 52 through 62, that an ordered list is maintained of the active windows in priority order thereof. The Examiner argues that Anthias therefore teaches generating a modified graphic order list from overlapping

windows so as to include only nonoverlapping portions of the lesser priority windows.

We note that claim 1 recites the following:

> obtaining a first list of graphic orders for graphic objects in a first window of the overlapping windows and a second list of graphic orders for graphic objects in a second window of the overlapping windows, wherein the second window has a higher priority than the first window;
>
> processing the first list to identify nonoverlapping graphic objects, wherein the nonoverlapping graphic objects are not within an overlapping portion of the first and second windows;
>
> processing the second list of graphic orders and the nonoverlapping graphic objects to generate a list of modified graphic orders.

Furthermore, we note that claim 8 recites the following:

> detection means for detecting nonoverlapped graphics portions of the graphics objects of the first list, wherein the nonoverlapped graphics portions are not overlaid by the second window;
>
> processing means, operably coupled to the detection means, for processing the nonoverlapped graphics portions and the second list of graphics orders to generate a list of modified graphics orders.

Therefore, we find that Appellant's claims recite a process or an apparatus which creates a list of modified graphic orders which allows for processing nonoverlapping portions of the first window in one step without having to override any of the lower priority windows.

Upon a closer review of Anthias, we find Anthias teaches the process of overriding the lower priority windows. In column 1, lines 48 through 62, Anthias teaches that the prior art creates a composite display refresh buffer so that the system can display multiple tasks. Anthias teaches that the prior art maintains each task as being independent of the other and each task occupies nonoverlapping space in the memory. In column 4, line 66, through column 5, line 20, Anthias teaches that their invention relates to the maintaining of a current screen save area, directly equivalent to the screen matrix of the prior art referred to in Figures 1 and 2. In column 7, lines 37 through 45, Anthias points out the problem of reconstructing

the screen ownership area and processing the window hierarchy.

Anthias discloses in column 7, lines 46 through 65, that their invention overcomes this problem by maintaining an ownership priority list. In column 8, lines 4 through 57, Anthias discloses a multiple window display system which includes a display device and a screen ownership area pointing to the identity of the window which is to contribute the data for each display area of the display device. An ordered list is maintained of the active windows in the priority order thereof. Anthias discloses that the lowest priority window is first written into the display area and then each higher priority window is then overwritten with this data. Anthias' disclosure of the ownership priority list is not directed to maintaining a list of modified graphic orders as claimed by the Appellant. Anthias, on the other hand, teaches a list of ownership priority which is only used to determine the priority of the window, not to the objects within the window.

In view of the above, we find that Anthias fails to teach all the limitations of Appellant's claims 1, 2, and 7

through 9, and thereby the claims are not anticipated by Anthias. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 102.

Claims 3 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Anthias in view of Holden. We note that the Examiner relies on Anthias for the teaching of a list of modified graphic orders. Upon our review of Anthias and Holden, we find that the references fail to suggest or teach the list of modified graphic orders as claimed by the Appellant. Therefore, we will not sustain the rejection of claims 3 through 6 under 35 U.S.C. § 103.

We have not sustained the rejection of claims 1 through 9. Accordingly, the Examiner's decision is reversed.

REVERSED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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) BOARD OF PATENT
JERRY SMITH) APPEALS AND
Administrative Patent Judge) INTERFERENCES
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